

106TH CONGRESS
1ST SESSION

H. R. 3325

To amend title XIX of the Social Security Act to permit a State waiver authority to provide medical assistance in cases of congenital heart defects.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1999

Mrs. MORELLA introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to permit a State waiver authority to provide medical assistance in cases of congenital heart defects.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Melissa Froelich Med-
5 icaid Congenital Heart Defect Waiver Act of 1999”.

6 **SEC. 2. MEDICAID WAIVER TO PROVIDE MEDICAL ASSIST-**
7 **ANCE IN CASE OF INDIVIDUALS WITH CON-**
8 **GENITAL HEART DEFECTS.**

9 Section 1915 of the Social Security Act (42 U.S.C.
10 1396n) is amended—

1 (1) by redesignating subsection (h) as sub-
2 section (i); and

3 (2) by inserting after subsection (g) the fol-
4 lowing new subsection:

5 “(h)(1)(A) Subject to paragraph (2), the Secretary
6 shall by waiver provide that a State plan approved under
7 this title may include as ‘medical assistance’ under such
8 plan payment for part or all of the costs of nursing care
9 (including home health nursing care), respite care, physi-
10 cians’ services, prescribed drugs (including physician or-
11 dered dietary supplements), medical devices and supplies,
12 home modifications required to accommodate the indi-
13 vidual, transportation services (including medical trans-
14 port costs of life-saving flights to treating hospitals), pay-
15 ment for the set aside fund for placement on the National
16 Organ Waiting List, and such other services related to the
17 treatment of the congenital heart defect or defects re-
18 quested by the State as the Secretary may approve which
19 are provided pursuant to a written plan of care to an indi-
20 vidual described in subparagraph (B) with respect to
21 whom there has been a determination that, but for the
22 provision of such services, the individual would be likely
23 to require the level of care provided in a hospital or nurs-
24 ing facility the cost of which could be reimbursed under
25 the State plan.

1 “(B) Individuals described in this subparagraph are
2 individuals who at the time of birth were diagnosed with
3 one or more congenital heart defects which require sur-
4 gical intervention.

5 “(2) A waiver shall not be granted under this sub-
6 section unless the State provides assurances satisfactory
7 to the Secretary that—

8 “(A) necessary safeguards (including adequate
9 standards for provider participation) have been
10 taken to protect the health and welfare of individ-
11 uals provided services under the waiver and to as-
12 sure financial accountability for funds expended with
13 respect to such services;

14 “(B) under such waiver, the State, in any fiscal
15 year will be the secondary payor of the medical as-
16 sistance as required under section 1902(a)(25);

17 “(C) individuals described in paragraph (1)(B)
18 shall be eligible for medical assistance at the time
19 they have exhausted all other health insurance bene-
20 fits, without regard to the assets or resources of the
21 individual or the individual’s family;

22 “(D) the State will provide to the Secretary an-
23 nually, consistent with a data collection plan de-
24 signed by the Secretary, information on the impact
25 of the waiver granted under this subsection on the

1 type and amount of medical assistance provided
2 under the State plan and on the health and welfare
3 of recipients.

4 “(3) The provisions of paragraphs (3) and (4) of sub-
5 section (e) shall apply under this subsection in the same
6 manner as they apply under such subsection.”.

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